

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 13229, of American Medical Association, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 5304.1) to construct a twelve story office-retail building and parking garage in a C-4 District at the premises 1101 Vermont Avenue, N. W., (Square 215, Lots 800, 806-810).

HEARING DATE: May 21, 1980

DECISION DATE: June 4, 1980

FINDINGS OF FACT:

1. The subject site is located at 1101 Vermont Avenue, N. W. It has frontage on Vermont Ave., 14th Street and L Street, N. W. It is in a C-4 District.
2. The subject property is presently being used as a parking lot. The applicant proposes to construct a twelve story office/retail building with an underground parking garage on the subject site.
3. The subject lot is irregularly shaped, caused by the diagonal avenue cutting through the grid street pattern. The south, east and west sides abut streets and the north side abuts a ten foot wide public alley. On the north side of the lot, the site of the proposed side yard, there is an angle in the lot line. The western portion of the lot line is approximately fifty-two feet in length, while the eastern portion is approximately seventy feet in length.
4. Under Paragraph 5304.14 of the Zoning Regulations, the applicant is permitted as a matter of right to build the proposed building to the lot line. The applicant testified that due to the irregular shape of the lot this type of building is impracticable and less desirable. To follow the lot line would destroy the interior layout of the building and create an inefficient and less desirable spatial arrangement. Aesthetically, it would result in a less desirable alley facade and create an architecturally disorderly building.
5. To work around the irregular shape of the lot, the applicant has designed a building with even bays on all sides which creates a more orderly facade and a more efficient interior layout.

As proposed, the building does not follow the lot line but creates a side yard on the north alley lot line ranging in width from three feet, three inches on the west side to fifteen feet, five inches on the east side.

6. The proposed side yard improves the alley by widening it and increases the light and fenestration. Under the relief requested, the proposed building will provide greater open space and functional vehicular access through the square which could not be provided if the owners were required to strictly comply with the Zoning Regulations by constructing the building on the north alley lot line.

7. Under the Zoning Regulations, no side yard is required in the C-4 District. If one is provided then under the Zoning Regulations the subject site would be required to provide 22.1 feet. The applicant proposes to provide 3.25 feet at the narrowest point, thus requiring a variance of 18.85 feet. The applicant testified that without the requested variance it would provide the same density but that the building would not function as well nor be as architecturally attractive.

8. Following the public hearing, the applicant submitted additional information regarding the differences between the proposed building and a building that could be built as a matter of right. This information was submitted in the form of six drawings. On drawing No. 3 the Fire Department indicated that the twenty five foot access area in the rear of the building, which includes the alley and paved private property, is preferable to the ten foot alley.

9. The building to the north of the public alley is set back four feet, six inches, a similar setback to that requested for the subject building.

10. Advisory Neighborhood Commission 2-C did not submit a report on the application.

11. There was no opposition at the public hearing or of record to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above findings of fact and evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that both the shape of the lot and the turn in the north lot line create an extraordinary or exceptional situation or condition con-

stituting the practical difficulty. The Board also concludes that building the proposed building to the lot line creates practical difficulties in terms of the design and the interior spatial arrangement. The Board further concludes that the proposed side yard improves the alley by widening it and increases the light and fenestration. Additionally, the Board concludes that the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is hereby ORDERED that this application is GRANTED subject to the CONDITION that the building be faced with the same material on all sides.

VOTE: 5-0 (John G. Parsons, William F. McIntosh, Connie Fortune, Charles R. Norris and Leonard L. McCants to grant).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sherry
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 8/5/80

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.